



Sequence 1/5
PATENT

Attorney Docket No.: A-71171/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MORRIS, et al.

Serial No. 09/997,722

Filed: November 30, 2001

For: NOVEL COMPOSITIONS AND
METHODS FOR CANCER

) Examiner: Not assigned

) Group Art Unit: 1642

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on 2/21/02.

Signed: _____

Fern S. Marder

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed December 21, 2001.

Applicant claims small entity status in accordance with 37 CFR 1.27.

Enclosed are the following documents:

- (1) Copy of Notice to File Missing Parts of Nonprovisional Application;
- (2) Declaration and Power of Attorney;
- (3) Assignment (copy);
- (4) Power of Attorney by Assignee;

The PTO did not receive the following
listed item(s)

Serial No.: 09/997,722
Filed: November 30, 2001

- (5) Preliminary Amendment re Sequence Listing with (a) Transmittal of Paper Copy Sequence Listing on Compact Disc, (b) 2 identical electronic copies of the Sequence Listing on compact disc, and (c) a computer readable form of the Sequence Listing in a self-extracting compressed file (on two floppy disks).
- (6) Check for \$897.00 to cover the filing fee (\$370.00), 11 independent claims over 3 (\$462.00), and missing parts surcharge (\$65.00) for a small entity;
- (7) Return receipt postcard.

The Commissioner is authorized to charge any fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-71171/RMS/DCF).

It is believed that submission of the above serves to satisfy all of the requirements of the outstanding Notice of Missing Parts.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Date: 2/20/02



David C. Foster, Reg. No. 44,685
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1075599

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PATENT
Attorney Docket No.: A-71171/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MORRIS, et al.

Serial No. 09/997,722

Filed: November 30, 2001

For: **NOVEL COMPOSITIONS AND
METHODS FOR CANCER**

Examiner: UNKNOWN

Group Art Unit: 1642

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: 2/21/02

Signed: [Signature]
Fern Marder

TRANSMITTAL OF PAPER COPY SEQUENCE LISTING
ON COMPACT DISC

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed December 21, 2001 and pursuant to 37 C.F.R. 1.52(e), applicant is submitting the paper copy of the Sequence Listing in compact disc form. Each compact disc enclosed, labeled "Copy 1" and "Copy 2," respectively, was created on an IBM-PC compatible machine using the MS-Windows operating system and contains a single file of 7,831,552 bytes named A71171.ST25.txt, created on February 7, 2002. The two compact discs are identical.

Also enclosed with the compact discs are:

Serial No.: 09/997,722

Filed: November 30, 2001

1. Computer readable form of Sequence Listing in a self-extracting compressed file on two floppy disks;
2. Copy of Notice to File Missing Parts of Nonprovisional Application; and
3. Preliminary AMENDMENT re Sequence Listing.

While no fee is currently believed to be due, the Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-71171/RMS/DCF).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Dated: 2/20/02



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/997,722 | 11/30/2001 | David Morris | A-71171/RMS/DCF |

CONFIRMATION NO. 3325

FORMALITIES LETTER



OC000000007226020

Robin M. Silva, Esq.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400
Four Embarcadero Center
San Francisco, CA 94111-4187

Date Mailed: 12/21/2001



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$462.
 - \$462 for 11 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 897.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be

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01 FC:201 370.00 0P
02 FC:202 462.00 0P
03 FC:205 65.00 0P

submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE